

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED CENTRAL BANK  
Plaintiff,**

**v.**

**Case No. 10-CV-00464**

**MAPLE COURT LLC, et al.,  
Defendants**

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**DECISION AND ORDER**

There are two motions for summary judgment currently before this court, plaintiff's motion for summary judgment on its foreclosure claim and plaintiff's motion for summary judgment on defendants' counterclaim for breach of contract. Since the motions were first filed, the parties have conducted additional discovery, and defendants now seek leave to supplement their briefs in opposition. Because I believe it will help clarify the issues before the court, I will grant defendants' request, deny the pending motions without prejudice and order the parties to rebrief them. The briefing schedule set below should give defendants plenty of time to incorporate all the information they have learned in discovery into their briefs in opposition to the motions, including any information learned in the depositions scheduled for the first part of March. When refileing its motions, plaintiff is, of course, free to simply resubmit its original briefs in support of the motions. It is also free to re-draft its motions so its arguments with respect to the claim and counterclaim are incorporated into a single motion.

I will also deny defendants' motion to compel plaintiff to produce additional documents because the parties appear to have resolved the discovery dispute on their own.

**THEREFORE, IT IS ORDERED** that defendants' motion to supplement its responses to plaintiff's motions for summary judgment (Docket #182) is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff's motion for summary judgment on its foreclosure claim (Docket #99) and its motion for summary judgment on the counterclaim (Docket #147) are **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that plaintiff has until **April 1, 2013** to refile its motions for summary judgment, defendants have until **May 1, 2013** to file their briefs in opposition to the motions, and plaintiff has until **May 15, 2013** to file its reply briefs.

**IT IS FURTHER ORDERED** that defendants' motion to compel further production of documents (Docket #178, 179) are **DENIED as moot**.

Dated at Milwaukee, Wisconsin, this 27th day of February 2013.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge